

REMARKS

Claims 17-23, 31, 36, 38, 40, and 42 are currently being cancelled without prejudice or disclaimer to the subject matter expressed therein, while claims 28, 32, 33, and 35 are currently being amended. In particular, claims 28 and 32 are currently being amended to incorporate formula (IV) and/or (IVa) therein, given the Examiner's acknowledgement that claims 24-27 are allowable. Additionally, claims 33 and 35 are being amended to obviate the Examiner's objection and indefinite rejection, respectively.

These amendments do not introduce new matter within the meaning of 35 U.S.C. §132. Accordingly, entry of the amendments by the Examiner is respectfully requested.

1. Allowable Subject Matter

Applicant kindly thanks the Examiner for acknowledging claims 24-27 are allowable. Accordingly, Applicant has cancelled claims 17-23, 31, 36, 38, 40, and 42, without prejudice or disclaimer to the subject matter expressed therein, while claims 28, 32, 33, and 35 have been amended to incorporate formula (IV) and/or (IVa) therein. As such, Applicant respectfully believes currently pending claims 24-30, 32-35, 37, 39, and 41 are allowable.

2. Priority Documents

Since the instant application is a national phase application of PCT application PCT/EP04/12984, Applicant respectfully believes the International Bureau should have forwarded a certified copy of Applicant's priority documents (i.e., European Application No. 03104913.3 filed December 22, 2003, as well as U.S. Provisional Patent Application No. 60/532,331 filed December 22, 2003.) to the U.S. Patent and Trademark Office (herein referred to as "the Office"). Additionally, the Notice of Acceptance of Application Under 35 U.S.C. §371 and 37 C.F.R. §1.495, issued by the Office on February 6, 2007, states the priority documents filed on June 22, 2006 have been received. Accordingly, Applicant respectfully believes the Office received a certified copy of both priority documents.

Notwithstanding the above, if the Office requires Applicant to resubmit a certified copy of European Application No. 03104913.3 filed December 22, 2003, Applicant will furnish a certified copy of the aforementioned priority document upon request.

3. Objection to Claims 17, 20, 22, 24, and 28

Claims 17, 20, and 22 have been cancelled rendering the objections thereto moot. With respect to claims 24 and 28, Applicant has changed the font of the aforementioned claims to obviate the current objection. Accordingly, Applicant respectfully

requests the current objection to be withdrawn.

4. Objection to Claims 17, 20, 22, 24, and 28

Claims 17, 20, and 22 have been cancelled rendering the objections thereto moot. With respect to claims 24 and 28, Applicant respectfully traverses the objections thereto.

First and foremost, Applicant respectfully believes one skilled in the art would recognize the metes and bounds of claims 24 and 28. For this reason alone, Applicant respectfully believes the current objection should be withdrawn. Notwithstanding, Applicant includes an excerpt from the CRC Handbook of Chemistry and Physics herewith as ATTACHMENT B. In particular, Rule A-4 regarding bivalent and multivalent radicals on C-5 states,

4.1 - Bivalent and trivalent radicals derived from univalent acyclic hydrocarbon radicals whose authorized names end in '-yl' by removal of one or two hydrogen atoms from the carbon atom with the free valences are named by adding '-idene' or '-idyne', respectively, to the name of the corresponding univalent radical. The carbon atom with the free valence is numbered as 1.

Accordingly, in light of the above, Applicant respectfully believes the current objection should be withdrawn.

5. Objection to Claim 19

Claim 19 has been cancelled rendering the objection thereto moot. Accordingly, Applicant respectfully requests the Examiner to withdraw the current objection.

6. Objection to Claim 28

Applicant has amended claim 28 as recommended by the Examiner. Accordingly, Applicant respectfully requests the Examiner to withdraw the current objection.

7. Objection to Claim 33

Applicant has amended claim 33 to obviate the Examiner's objection. Accordingly, Applicant respectfully requests the Examiner to withdraw the current objection.

8. Rejection of Claims 35-42 Under 35 U.S.C. §112, 2nd Paragraph

Claims 36, 38, 40, and 42 have been cancelled rendering the rejection thereof moot. With respect to claims 35, 37, 39, and 41, Applicant has amended claim 35 to obviate the Examiner's rejection. Additionally, 37, 39, and 41 all depend directly or indirectly from claim 35. Accordingly, Applicant respectfully requests the Examiner to withdraw the current rejection.

9. Rejection of Claims 17-19, 28-31, 35, 37, 39, and 41 Under 35

U.S.C. §102(b)

Claims 17-19 and 31 have been cancelled rendering the rejection thereof moot. With respect to claims 28-30, 35, 37, 39, and 41, Applicant has amended the aforementioned claims either directly or indirectly to obviate the current rejection. In particular, claims

28-30, 35, 37, 39, and 41 have been amended either directly or indirectly to incorporate formula (IV) and/or (IVa) therein. Accordingly, given the Examiner's acknowledgement claims 24-27 would be allowable, Applicant respectfully requests the Examiner to withdraw the current rejection.

10. Rejection of Claims 17-23 and 28-42 Under 35 U.S.C. §103(a)

Claims 17-23, 31, 36, 38, 40, and 42 have been cancelled rendering the rejection thereof moot. With respect to claims 28-30, 32-35, 37, 39, and 41, Applicant has amended the aforementioned claims either directly or indirectly to obviate the current rejection. In particular, claims 28-30, 32-35, 37, 39, and 41 have been amended either directly or indirectly to incorporate formula (IV) and/or (IVa) therein. Accordingly, given the Examiner's acknowledgement claims 24-27 would be allowable, Applicant respectfully requests the Examiner to withdraw the current rejection.

CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the prior art of record. The Examiner is therefore respectfully requested to reconsider and withdraw all objections and rejections, and allow all pending claims 24-30, 32-35, 37, 39, and 41. Favorable action with an early allowance of the claims pending in

Serial No. 10/584,003

this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned practioner if he has any questions or comments.

Respectfully submitted,

By: 

Jarrod N. Raphael
Registration No. 55,566
Customer No. 34872

Date: July 28, 2008
Delaware Corporate Center II
2 Righter Parkway, Suite 300
Wilmington, Delaware 19803
Telephone No.: 302-683-8176
Fax No.: 302-731-6408

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on July 28, 2008.


Signature

July 28 2008
Date

B

$$\text{CH}_2=\text{CH}-\text{CH}_2-\text{CH}_2-\text{CH}=\text{C}(\text{CH}_2-\text{CH}=\text{CH}_2)-\text{C}(\text{CH}_2-\text{CH}=\text{CH}_2)=\text{CH}_2$$

5-Ethynyl-1,3,6-heptatriene

5,5-Dimethyl-1-hexene

4-Vinyl-1-hepten-5-yne

The name "icommene" is retained for the unsubstituted compound only:

$\text{CH}_2=\text{CH}-\text{C}=\text{CH}_2$

Examples:

Ethynyl
2-Propynyl
1-Propenyl
2-Butenyl
1,3-Butadienyl
2-Pentenyl
2-Penten-4-ynyl

Exceptions: The following names are retained:

$\text{CH}_2=\text{CH}-$ Vinyl (for ethenyl)
 $\text{CH}_2=\text{CH}-\text{CH}_2-$ (for 2-propenyl)
 $\text{CH}_2=\text{C}-$ Allyl (for 2-propenyl)
 $\text{CH}_2=\text{C}-$ Isopropenyl (for 1-methylethenyl)

3.6—When there is a choice for the fundamental chain of a radical, the chain is selected which contains (1) the maximum number of double and triple bonds; (2) the largest number of double bonds; and (3) the largest number of triple bonds.

Examples:

[illegible]

Poly A-4 Bivalent and Multivalent Radicals*

Rule A-4. Bivalent and Multivalent Radicals*
 A1—Bivalent and trivalent radicals derived from univalent acyclic fluorocarbon radicals whose univalent names end in “-yl” by removal of one or two hydrogen atoms from the carbon atom with the free valence are named by adding “-idene” or “-idyne”, respectively, to the name of the corresponding univalent radical. The carbon atom with the free valence is numbered as 1.
 The name “methylidyne” is retained for the radical CH^{\bullet} .
 *The number of univalent radicals derived from any position of unbranched chains or ring systems by adding “-yl”, “-ylidene”, “-ylidyne”, etc., to the name of the corresponding univalent radical is indicated by a superscript number in parentheses after the name of the radical. For example, CH_2^{\bullet} is named “methylene” and $\text{CH}_2^{\bullet 2}$ is named “methylene(2)”, etc.

C-5

$$\begin{array}{c} \text{CH}_3 - \text{CH}_2 - \text{CH} - \text{CH} - \text{CH} - \text{CH} - \text{CH}_3 \\ | \quad | \quad | \quad | \quad | \\ \text{CH}_3 \quad \text{CH}_3 \quad \text{CH}_3 \quad \text{CH}_3 \quad \text{CH}_3 \end{array}$$

... *in situ* bundles the greatest number of carbon atoms in the smaller side chains.

Example:

$$\begin{array}{c}
 \begin{array}{c}
 \text{CH}_3 \\
 | \\
 \text{CH}_2\text{CH}_2\text{CH}-\text{CH}-\text{CH}_2 \\
 | \quad | \quad | \quad | \\
 \text{CH}_3 \quad \text{CH}_3 \quad \text{CH}_3 \quad \text{CH}_3 \\
 \text{11} \quad \text{12} \quad \text{13} \quad \text{14}
 \end{array} \\
 | \\
 \text{C} \\
 | \\
 \begin{array}{c}
 \text{CH}_2\text{CH}_2\text{CH}-\text{CH}-\text{CH}_2 \\
 | \quad | \quad | \quad | \\
 \text{CH}_3 \quad \text{CH}_3 \quad \text{CH}_3 \quad \text{CH}_3 \\
 \text{15} \quad \text{16} \quad \text{17} \quad \text{18}
 \end{array}
 \end{array}$$

7,7-Bis(2,4-dimethylhexyl)-3-ethyl-5,9,11-trimethyltridecane

(c) The chain having the least branched side chains.

$$\begin{array}{c} \text{CH}_3-\text{CH}_2-\text{CH}_3 \\ | \\ \text{---}(\text{CH}_2)_3\text{---CH---CH---}(\text{CH}_2)_3\text{---CH}_3 \\ | \qquad \qquad | \qquad \qquad | \\ 2.4 \qquad \qquad 5.1 \qquad \qquad 6 \qquad \qquad 7.11 \qquad \qquad 12 \\ | \\ \text{CH}_3-(\text{CH}_2)_3-\text{CH}=\text{CH}-\text{CH}_2 \\ | \\ \text{CH}_3 \end{array}$$

6-(1-Isopropylpentyl)-5-propyldodecane

Rule A-3. Unsaturated Compounds and Univalent Radicals

[illegible]

1

The following non-systemic names are retained:

$\text{CH}_2=\text{CH}_2$ Allene $\text{CH}_2=\text{C}=\text{CH}_2$

3.3—Unbranched acyclic hydrocarbons having one triple bond are named by replacing the ending “-ane” of the name of the corresponding saturated hydrocarbon with the ending “-yne.” If there are two or more triple bonds, the ending will be “-diene,” “-triene,” etc. The generic names of these hydrocarbons branched at unsaturated carbon atoms are “alkynes,” “alkadienes,” “alkatrienes,” etc. They are numbered as to give the lowest possible numbers to the triple bonds. Only the lower locant for a triple bond is cited. E.g., “1-yne,” “1,3-diyne,” “allatrayne,” etc. The chain is so numbered as to give the lowest possible numbers to the triple bonds. Only the lower locant for a triple bond is cited.

The names "acetylene" for HC \equiv CH is retained. 3,3-Dibromomethyl substituted acetylene having both double and triple bonds are named by replacing the ending "-ene" of the name of the corresponding saturated hydrocarbon with the ending "-ene" etc. Numbers as low as possible are given in double and triple bonds even though this may result in a name which is not strictly systematic. The double bonds are given the lowest numbers. The triple bonds are given the lowest numbers.

Example 1:

$$\begin{array}{l} \text{1,3-Hexadien-5-yne} \quad \text{HC}\overset{\textstyle 1}{\textstyle \text{C}}\equiv\overset{\textstyle 2}{\textstyle \text{C}}\text{--}\overset{\textstyle 3}{\textstyle \text{C}}\text{H}=\overset{\textstyle 4}{\textstyle \text{C}}\text{H--}\overset{\textstyle 5}{\textstyle \text{C}}\text{H}=\overset{\textstyle 6}{\textstyle \text{C}}\text{H}_2 \\ \text{3-Penten-1-yne} \quad \text{CH}_3\text{--}\overset{\textstyle 1}{\textstyle \text{C}}\text{H}=\overset{\textstyle 2}{\textstyle \text{C}}\text{H--}\overset{\textstyle 3}{\textstyle \text{C}}\equiv\overset{\textstyle 4}{\textstyle \text{C}}\text{H} \\ \text{1-Penten-4-yne} \quad \text{HC}\overset{\textstyle 1}{\textstyle \text{C}}\equiv\overset{\textstyle 2}{\textstyle \text{C}}\text{H}_2\text{--}\overset{\textstyle 3}{\textstyle \text{C}}\text{H}=\overset{\textstyle 4}{\textstyle \text{C}}\text{H}_2 \end{array}$$

3.4.—Unsaturated branched acyclic hydrocarbons are named as derivatives of the unsaturated hydrocarbon which contains the maximum number of double and triple bonds. When the maximum number of unsaturated bonds is not in the main chain, the choice goes to (1) that one with the greatest number of double bonds, and (2) that one with the greatest number of triple bonds. In other respects, the same principles apply as for saturated branched hydrocarbons. As an example, the number of carbon atoms being equal, one containing the maximum number of double bonds is chosen. The chain is so numbered as to give the lowest possible numbers to double and triple bonds in accordance with Rule 3.3. For naming saturated branched acyclic hydrocarbons, the chain is so numbered as to give the lowest possible numbers to all substituents.

- Here the choice lies between two possible main chains of equal length, each containing six side chains in the same positions. Listing in increasing order, the number of

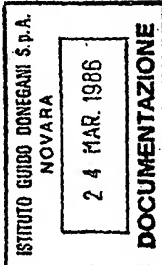
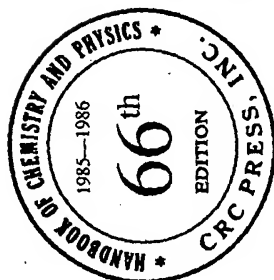
first choice	1. 1. 1. 2. 8. 8
second choice	1. 1. 1. 1. 8. 9

.. The expression, "the greatest number of carbon atoms in the smaller side chains", is taken to mean the largest side chain at the first point of difference when the size of the side chains is examined step by step. Thus, the selection in this case is made at the fourth step where 2 is greater than 1. Only the lower locant for a double bond is cited in the name of an acyclic compound.

३

CRC Handbook of Chemistry and Physics

A Ready-Reference Book of Chemical and Physical Data



Editor-in-Chief

Robert C. Weast, Ph.D.

Associate Editors

Melvin J. Astle, Ph.D.
William H. Beyer, Ph.D.

In collaboration with a large number of professional chemists and physicists whose assistance is acknowledged in the list of general collaborators and in connection with the particular tables or sections involved.



CRC Press, Inc.
Boca Raton, Florida

RECENT HANDBOOK PUBLICATIONS

HANDBOOK OF ANTIBIOTIC COMPOUNDS

János Bérty
Senior Research Fellow
Institute of Drug Research
Budapest, Hungary

HANDBOOK OF LASERSCIENCE AND TECHNOLOGY

Marvin J. Weber
Laser Program
Lawrence Livermore National Laboratory
University of California,
Livermore, California

HANDBOOK OF CHROMATOGRAPHY:

AMINO ACIDS AND AMINES
Stanley Blackburn
Research Scientist
Wool Industries Research Association
Leeds, England

HANDBOOK OF LETHALITY GUIDES FOR LOW-ACID CANNED FOODS

C. R. Stumbo
K. S. Purohit
T. V. Ramakrishnan
J. A. Evans
J. Francis
Department of Food Science and Nutrition
University of Massachusetts
Amherst, Massachusetts

HANDBOOK OF CLINICAL CHEMISTRY

Mario Werner
Professor of Pathology
(Laboratory Medicine)
The George Washington University Medical
Center
Washington, D.C.

HANDBOOK OF LUBRICATION

E. R. Booser
Manager
Systems Engineering Substation
Turbine Technology Laboratory
General Electric Company
Schenectady, New York

HANDBOOK OF ENVIRONMENTAL RADIATION

Alfred W. Klement, Jr.
Environmental Scientist (deceased)
Private Consultant
Kensington, Maryland

HANDBOOK OF PROCESSING AND UTILIZATION IN AGRICULTURE

Ivan A. Wolff
Director (retired)
Eastern Regional Research Center
Agricultural Research Service
U.S. Department of Agriculture
Philadelphia, Pennsylvania

HANDBOOK OF GEOPHYSICAL EXPLORATION AT SEA

Richard A. Geyer
Professor Emeritus
Department of Oceanography
Texas A & M University
College Station, Texas

HANDBOOK OF TERPENOID MONOTERPENOIDS

Sukh Dev
Multi-Chem Research Centre
Nandesar, Vadodara, India
J. S. Yadav
National Chemical Laboratory
Division of Organic Chemistry
Poona, India
Anubhav Narula
Lederle Laboratory
American Cyanamid Co.
Medical Research Div.
Pearl River, New York

HANDBOOK OF IRRIGATION TECHNOLOGY

Herman J. Finkel
Director
Finkel & Finkel, Ltd.
Consulting Engineers
Haifa, Israel